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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,467

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Ari Griffner

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EXAMINER

VESRA, DINESH K

ART UNIT

PAPER NUMBER

3633

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/534,467	Applicant(s) GRIFFNER, ARI	
	Examiner Dinesh Vesra	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11 May 2005</u> . | 6) <input checked="" type="checkbox"/> Other: <u>PCT Publication WO02/22975</u> . |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. **Claims 13 and 14 are objected to because of the following informalities:**

Claim 13 appears to be a dependent claim, but does not recite which claim it is dependent upon. Claim 14 is objected to because it is dependent on Claim 13. For examination purposes it will be assumed that Claim 13 is meant to depend on Claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** The recitation of the term "optionally" in Claim 1, line 2 renders the claim indefinite as it is not clear whether the ceiling component is required or not. The ceiling component is not positively recited.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-6, 10-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandl (PCT Publication WO02/22975) in view of Masuki et al.**

(US Patent 5,156,208). Jandl discloses a building composed of outside wall components (1 – Fig. 19), roof components (20 – Fig. 12), and optionally ceiling components (20 – Fig. 7), at least the outside wall components being made double-walled and having panels (2, 3) which are connected to one another with the formation of at least one cavity (5 – Fig. 20) in the outside wall component via spacers (4) with a distance from one another, in the cavity between the panels of the outside wall components. Jandl does not disclose characterized in that the means for supplying heat is located solely in the lower area of the outside wall components. Masuki et al. disclose a panel with a means for supplying heat (23 – Fig. 1) located in the lower area of the outside wall component (see Fig. 1). At the time of the invention, it would have been obvious to one of ordinary skill in the art to provide the building of Jandl with the heating means of Masuki et al. The motivation for doing so would be to provide the building with a means for insulation, as well as a means for heating and cooling the building.

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The combination of Jandl and Masuki et al. disclose the building as set forth above wherein there is means for supplying heat in a sill (14 - Fig. 1 - Masuki et al.) on which the outside wall components stand vertically; wherein the sill is U-shaped in cross section and wherein the panels of the outside wall components stand vertically on the legs of the sill which point up (14 - Fig. 1); wherein the heating means has a rod-shaped heat source (23); wherein the rod-shaped heat source is a pipe through which a heating medium flows (Column 1, lines 12-14 - Masuki et al.).

With regards to claim 5, using an electrical resistance heating rod or heating wire is an obvious variant of a pipe through which a heating medium flows. It is well known in the art that these two heating means are interchangeable.

Jandl discloses the building as set forth in claim 1 above wherein in the area of the ceiling components which adjoin the outside wall components there are openings (28 – Figs. 7-8); wherein there are openings in the panels of the ceiling component (between 22 and 23 – Fig. 8); wherein in the position of use of the lower panels of the roof components (20 – Fig. 10) there are recesses (28).

7. Claims 7, 8, and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandl and Masuki et al. as applied to claims 1-6 above, and further in view of Fiedrich (US Patent 6,330,980 B1). The combination of Jandl and Masuki et al. disclose the building as set forth above, but do not disclose wherein the rod-shaped heat source is inserted into essentially U-shaped supports which are inserted into the cavity of the sill (14 – Fig. 1 – Masuki et al.) which is open to the top; or wherein there is an insulating layer between the supports and the crosspiece of the sill.

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Fiedrich discloses a rod-shaped heat source inserted into essentially U-shaped supports (Fig. F) which are inserted into a cavity of a sill, wherein there is an insulating layer (36) between the supports and the crosspiece of the sill. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the building of Jandl and Masuki et al. with a U-shaped support and insulating layer in view of the teachings of Fiedrich. The motivation for doing so would be to provide a more secure installation of the heat source as well as to prevent any heat loss through the bottom of the sill.

With regards to claims 16-22, the U-shaped holder and the support with the beam are obvious variants well known in the art. Thus it would be obvious to one of ordinary skill in the art to use either the U-shaped support or the support with the beam.

8. **Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Jandl, Masuki et al. and Fiedrich as applied to claims 1-8 above, and further in view of Sokolean (US Patent 5,799,723).** The combination of Jandl, Masuki et al. and Fiedrich disclose the building as set forth above, wherein the end surfaces of the supports which are provided next to the holding space open to the top (37 – Fig. F – Fiedrich) for the rod-shaped heat source, but do not disclose that the end surfaces are aligned sloping toward the legs of the sill. Sokolean discloses a support for a rod-shaped heat source wherein the end surfaces of the supports are aligned sloping toward the legs of a sill (4 - Fig. 2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide the building of Jandl, Masuki et al. and Fiedrich with the end surfaces of the supports sloping toward the sill in

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view of the teachings of Sokolean. The motivation for doing so would be to assist in aligning the wall panels when positioned above the sill, as it is well known in the art to use a sloped surface to assist in aligning or positioning elements.

9. **Claims 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jandl, Masuki et al. and Fiedrich as applied to claims 1-8, 10-11, and 13 above, and further in view of Kesting (US Patent 4,856,238).** Jandl, Masuki et al. and Fiedrich disclose the building as set forth above, but do not disclose wherein the side ends of the ceiling component and roof elements are closed by panels; and wherein the sealing panels are flush with the outer panels of the wall components. Kesting discloses a building composed of hollow components wherein the side ends of the ceiling components are closed by panels (78- Fig. 10) and the side ends of the roof elements are closed by panels (see Fig. 8); and wherein the sealing panels are flush with the outer panels of the wall components (see Fig. 8 and 10). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the building of Jandl, Masuki et al. and Fiedrich with sealing panels that are flush with the outer wall of the building in view of the teachings of Kesting. The motivation for doing so would be to provide better insulation of the building by not allowing the air to escape and the sealing panels would be flush with the outer wall for aesthetic purposes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh Vesra whose telephone number is (571) 270-5221. The examiner can normally be reached on Monday - Thursday 9:00 a.m. - 7:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinesh Vesra/
Examiner, Art Unit 3633

/Brian E. Glessner/
Supervisory Patent Examiner, Art Unit 3633